

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

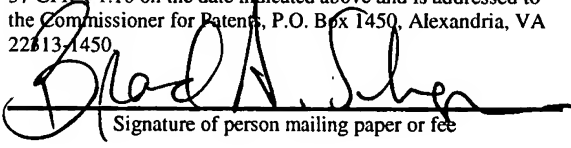
In re patent application of:	)	Before the Examiner
Thomas Zdeblick et al.	)	Alvin J. Stewart
	)	
Divisional of Serial No. 10/213,864	)	Group Art Unit 3738
Filed 08/07/2002	)	
	)	
Filed: January 23, 2004	)	Our Ref.: PC261.21/
	)	4002-3456
METHODS AND INSTRUMENTS	)	
FOR INTERBODY FUSION	)	

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please enter the following Preliminary Amendment for the above-entitled patent application prior to computing the filing fee. Additionally, please charge any fees due or credit any overpayment to Deposit Account No. 23-3030, but not to include payment of issue fees.

<p>"Express Mail" Label Number EV394105703US. Date of Deposit January 23, 2004. I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p> (Signature of person mailing paper or fee)</p>
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## **INTRODUCTORY COMMENTS**

The Specification has been amended to reflect the updated priority data associated with the subject application. Claims 1-13 and 29-37 have been cancelled without prejudice for possible submission in a continuing application. New claims 38-71 have been added.